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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,183

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Jeffrey A. Chapman

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HINZE, LEO T

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

12/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,183	Applicant(s) CHAPMAN, JEFFREY A.	
	Examiner LEO T. HINZE	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20090817</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the specification does not appear to be in the proper form for a US patent application. For example, the specification lacks the requisite headings, and the brief description of the drawings appears to be in the wrong location.

a. Applicant argues that the MPEP does not require section headings. The office, however, requires section headings. See MPEP §608.01(a).

b. Applicant argues that section headings may be inappropriately used in interpreting the specification. Section headings may also be appropriately used by the examiner and any other party to more easily determine the scope of the invention and the claimed subject matter.

Appropriate correction is required.

Response to Arguments

2. Applicant's arguments, filed 09 September 2009, with respect to the rejection of claims 1-8 as obvious over Yamashita in view of Bocko have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the prior art as discussed below.

a. Applicant argues on p. 10 that Bocko is not prior art under US patent law. The examiner agrees. Bocko claims priority to KR 10-2003- 0062764, which was filed on 08

Art Unit: 2854

September 2003. This date is prior to the filing date of the priority document in the instant application, 09 December 2003. Therefore, the subject matter of Bocko was invented before that of the instant invention.

b. The Bocko patent did not issue until 21 April 2009. Therefore, Bocko may only be used as prior art under 35 U.S.C. § 102(e). In determining an effective filing date under 102(e), one cannot rely on the foreign priority of the reference. Therefore, it appears the effective filing date of Bocko, for purposes of 102(e), is 07 September 2004. See MPEP § 2163.03.

c. As pointed out by Applicant, for purposes of 102(e), the effective filing date of Bocko, 07 September 2004, is after the priority filing date of the instant application, 09 December 2003, and therefore Bocko does not appear to be prior art in this case.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 6-12 are rejected under 35 U.S.C. 103(a) as being obvious over Yamashita et al., US 5,367,953 A (hereinafter Yamashita) in view of Bocko et al, US 5,701,815 A (hereinafter Bocko).

a. Regarding claim 1:

Yamashita teaches a method of printing a patterned layer onto a substrate (col. 1, ll. 5-10), the method comprising: detecting the alignment of each of plural areas on the substrate (7, Fig. 1; col. 3, ll. 50-65); individually positioning subbeds of a printing machine in accordance with the detected alignment (6, Fig. 1); transferring material from a cliché supported on the subbeds onto a common carrier (Fig. 2a-2b); and transferring the material from the common carrier onto the substrate (Fig. 2c).

Yamashita does not teach wherein the cliché are clichés.

Bocko teaches a cliché unit capable of forming a pattern using the cliché, wherein the cliché is clichés (Figs. 5-7), including a bed and several sub clichés (Figs. 6 and 7). Such an arrangement allows for printing more than one type/color of ink (col. 1, lines 11-13).

It has been held that mere duplication of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP §2144.04(VI)(B).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Yamashita wherein the cliché is multiple clichés, each arranged on a subbed, as taught by Bocko, because this appears to be mere duplication of parts, and further, because Bocko teaches that such an arrangement would predictably substantially obviate one or more problems due to limitations and disadvantages of the prior art, and allow one to more easily print in color.

b. Regarding claim 2:

Yamashita teaches a method of printing a patterned layer onto a first substrate (col. 1, ll. 5-10), the method comprising: detecting the alignment of each of plural areas

Art Unit: 2854

on a second substrate (7, Fig. 1; col. 3, ll. 50-65; the second substrate can be, for example, the first one printed, and the alignment of each subsequent substrate can be based on the alignment of the first substrate printed); individually positioning subbeds of a printing machine in accordance with the detected alignment (6, Fig. 1); transferring material from a cliché supported on the subbeds onto a common carrier (Fig. 2a-2b); and transferring the material from the common carrier onto the substrate (Fig. 2c).

Yamashita does not teach wherein the cliché are clichés.

Bocko teaches a cliché unit capable of forming a pattern using the cliché, wherein the cliché is clichés (Figs. 5-7), including a bed and several sub clichés (Figs. 6 and 7). Such an arrangement allows for printing more than one type/color of ink (col. 1, lines 11-13).

It has been held that mere duplication of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP §2144.04(VI)(B).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Yamashita wherein the cliché is multiple clichés, each arranged on a subbed, as taught by Bocko, because this appears to be mere duplication of parts, and further, because Bocko teaches that such an arrangement would predictably substantially obviate one or more problems due to limitations and disadvantages of the prior art, and allow one to more easily print in color.

c. Regarding claim 3, the combination of Yamashita and Bocko teaches the method as claimed in claim 1, as discussed in the rejection of claim 1 above. The combination of Yamashita and Bocko also teaches detecting the alignment of the clichés supported

Art Unit: 2854

on the subbeds, and positioning the subbeds also in accordance with the detected alignment of the clichés (Yamashita: col. 3, ll. 50-65).

d. Regarding claim 6:

Yamashita teaches a printing machine bed comprising a subbed (6, Fig. 1) individually alignable in a common plane (col. 3, ll. 50-65).

Yamashita does not teach wherein the subbed is an array of subbeds.

Bocko teaches a cliché unit capable of forming a pattern using the cliché, wherein the cliché is clichés (Figs. 5-7), including a bed and several sub clichés (Figs. 6 and 7). Such an arrangement allows for printing more than one type/color of ink (col. 1, lines 11-13).

It has been held that mere duplication of parts is not sufficient to patentably distinguish an invention over the prior art. See MPEP §2144.04(VI)(B).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Yamashita wherein the cliché is multiple clichés, each arranged on a subbed, as taught by Bocko, because this appears to be mere duplication of parts, and further, because Bocko teaches that such an arrangement would predictably substantially obviate one or more problems due to limitations and disadvantages of the prior art, and allow one to more easily print in color.

e. Regarding claim 7, the combination of Yamashita and Bocko teaches the bed as claimed in claim 6, as discussed in the rejection of claim 6 above. The combination of Yamashita and Bocko also teaches an array of four or more individually alignable subbeds (Bocko: Fig. 6 shows five subbeds).

Art Unit: 2854

f. Regarding claim 8, the combination of Yamashita and Bocko teaches the bed as claimed in claim 6, as discussed in the rejection of claim 6 above. The combination of Yamashita and Bocko also teaches a controller operable to control alignment of the subbeds (Yamashita: Fig. 3).

g. Regarding claim 9, the combination of Yamashita and Bocko teaches the method as claimed in claim 1, as discussed in the rejection of claim 1 above. The combination of Yamashita and Bocko also teaches wherein each cliché of the clichés is substantially smaller than the substrate (Yamashita: cliché must be substantially smaller than substrate to prevent wasting ink that would not be printed on substrate if cliché was substantially larger than substrate).

h. Regarding claim 10, the combination of Yamashita and Bocko teaches the method as claimed in claim 1, as discussed in the rejection of claim 1 above. The combination of Yamashita and Bocko also teaches wherein each cliché of the clichés is smaller than a corresponding area of the substrate (Yamashita: cliché must be substantially smaller than substrate to prevent wasting ink that would not be printed on substrate if cliché was substantially larger than substrate).

i. Regarding claim 11, the combination of Yamashita and Bocko teaches the method as claimed in claim 1, as discussed in the rejection of claim 1 above. The combination of Yamashita and Bocko also teaches wherein the individually positioning act includes matching alignment marks of each of the plurality of areas on the substrate with alignment marks of each of the subbeds so that each subbed is individually aligned

Art Unit: 2854

with a respective area on the substrate (Yamashita: registration marks 22a and 22b and 23a and 23b are used to align the cliché with the substrate, Fig. 1).

j. Regarding claim 12, the combination of Yamashita and Bocko teaches the method as claimed in claim 11, as discussed in the rejection of claim 11 above. The combination of Yamashita and Bocko also teaches wherein each subbed of the subbeds is substantially smaller than the substrate (Yamashita: cliché must be substantially smaller than substrate to prevent wasting ink that would not be printed on substrate if cliché was substantially larger than substrate; to avoid wasting material when constructing the subbeds, it follows that the subbeds will be sizes similarly to the clichés).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2854

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
22 December 2009

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854